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## OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

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**Date Issued:** September 3, 2010

**IBA Report Number:** 10-68

**Rules Committee Meeting Date:** September 8, 2010

**Item Number:** 4

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# Response to Grand Jury Report Titled “Medical Marijuana in San Diego”

## OVERVIEW

On June 7, 2010, the San Diego County Grand Jury issued a report to the Mayor, City Council, San Diego County District Attorney, San Diego County Sheriff, San Diego County Board of Supervisors, and the City Council of all other eighteen incorporated cities within the County entitled “Medical Marijuana in San Diego”. The report assesses issues raised in numerous complaints received by the Grand Jury related to the absence of, and inconsistencies in, guidelines for access to medical marijuana by qualified medical marijuana patients within San Diego County jurisdictions.

The Grand Jury Report included eleven findings and eighteen recommendations. Of these, four of the findings, and three of the recommendations pertain to the City of San Diego. Both the Mayor and the City Council are required to provide comments to the Presiding Judge of the San Diego Superior Court on each of the findings and recommendations relating to the City in the Grand Jury Report within ninety days. Due to the demands of the legislative calendar, the Presiding Judge granted an extension to the date for the Mayoral and City Council response to November 10, 2010. This report presents the City Council’s response as recommended by the IBA.

The IBA has obtained a copy of the Mayor’s draft responses to each of the findings and recommendations. For each finding and recommendation, the City Council may 1) join the Mayor’s response; 2) respond with a modification to the Mayor’s response; or 3) respond independently of the Mayor.

In responding to each Grand Jury finding, the City is required to either 1) agree with the finding or 2) disagree wholly or partially with the finding. Responses to Grand Jury recommendations must indicate that the recommendation 1) has been implemented; 2) has not yet been implemented, but will be in the future; 3) requires further analysis; or 4) will not be implemented because it is not warranted or is not reasonable. Explanations for responses are requested when applicable.

Of the six items included in the Mayor’s response, the IBA recommends that the City Council respond with a modification to the Mayor’s response for two items, and respond independently of the Mayor for four items. A City Council response for an additional finding was incorporated into the IBA’s recommended responses on behalf of the City Council.

The table below provides a summary of the IBA’s recommendations.

Recommendations:	10-115	<b><i>Respond with a Modification to the</i></b>
Findings:	05	<b><i>Mayor’s Response</i></b>
Recommendations:	10-114, 10-16	<b><i>Respond independently of Mayor</i></b>
Findings:	04, 06, 11	

The full text of the Mayor’s responses, and the IBA’s recommended responses on behalf of the City Council, can be found in Attachment A to this report.

It should be noted that at the time this report was released, the Mayor’s responses were still in draft form. Should any further changes be made to the Mayor’s responses, the proposed Council responses will be reevaluated and amended accordingly.

**[SIGNED]**

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Melinda Nickelberry  
Fiscal & Policy Analyst

**[SIGNED]**

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APPROVED: Andrea Tevlin  
Independent Budget Analyst

Attachments:

- A. Recommended City Council Responses to Findings and Recommendations in San Diego County Grand Jury Report entitled “Medical Marijuana in San Diego”
- B. San Diego County Grand Jury Report entitled “Medical Marijuana in San Diego”